

United States District Court
Middle District of Florida
Jacksonville Division

RICKY RICHARDSON,

Plaintiff,

v.

NO. 3:21-cv-172-TJC-PDB

DSPP, INC., ETC.,

Defendants.

Order

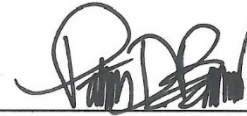
Ricky Richardson moves to compel DSPP, Inc., to respond to his requests for production and answer his interrogatories. Doc. 19. He also requests attorney's fees. Doc. 19. He states his counsel spoke with someone at DSPP's counsel's office, who stated counsel was unavailable. Doc. 19 at 4. Richardson's counsel explained DSPP had to respond to Richardson's discovery requests before the deposition of DSPP's corporate representative. Doc. 19 at 4. DSPP failed to respond, and Richardson had to cancel the deposition. Doc. 19 at 4. Counsel apparently have not conferred on the motion.

Local Rule 3.01(g)(3) provides:

If the opposing party is unavailable before the motion's filing, the movant after filing must try diligently for three days to contact the opposing party. Promptly after either contact or expiration of the three days, the movant must supplement the motion with a statement certifying whether the parties have resolved all or part of the motion. Failure to timely supplement can result in denial of the motion without prejudice.

The three-day period has expired, and Richardson has not supplemented the motion. The motion is **denied** without prejudice.

Ordered in Jacksonville, Florida, on September 14, 2021.

A handwritten signature in black ink, appearing to read 'P. D. Barksdale', is positioned above a horizontal line.

PATRICIA D. BARKSDALE
United States Magistrate Judge